



PATENT
Customer Number 22,852
Attorney Docket No. 3063.0396-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
John EBY et al.)
)
Application No.: 09/287,631) Group Art Unit: 1732
)
Filed: April 7, 1999) Examiner: A. Kuhns
)
For: SURFACE COVERINGS HAVING)
A NATURAL APPEARANCE AND)
METHODS TO MAKE A)
SURFACE COVERING HAVING)
A NATURAL APPEARANCE)

#40
N.L.H.
4-12-02

Assistant Commissioner for Patents
Washington, DC 20231

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Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the following information. This Information Disclosure Statement (IDS) is being filed after the mailing date of a first Office Action on the merits but before the mailing of either a Notice of Allowance or Final Office Action for the above-referenced application. This IDS is accompanied by a fee of \$180.00, as set forth in 37 C.F.R. §1.17(p).

Further to the IDS filed on August 17, 2001, this submission brings to the Examiner's attention additional information made of record in sequential order, in an on-going litigation with Armstrong World Industries, Inc., in the U.S. District Court for the District of Delaware (Civil Action No. 00-876 (RRM)). Consequently, this

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04/11/2002 MGE BREM1 00000086 09287631

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information may be material or relevant to the patentability of the instant claims. See M.P.E.P. 2001.06(c). This same submission is being filed in co-pending application number 09/749,033.

A copy of the information, including pleadings, as well as documents discussed in the pleadings and available to Applicants, are included herewith. Applicants respectfully request that the Examiner carefully consider each listed document and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the disclosed information is material or constitutes "prior art." If the Examiner applies the information as prior art against any claim in the present application and Applicants determine that the information does not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such information.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the disclosed information, should it be applied against the claims of the present application.

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If there is any fee due in connection with the filing of this Statement, please
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: April 10, 2002

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